

# Stillwater County Environmental Health Department

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## Farmers Market Guideline

**“Farmer’s market”** a farm premises, a roadside stand owned and operated by a farmer, or an organized market authorized by the appropriate municipal or county authority. Montana Code Annotation 50-50-102(5) (MCA)

1. Gardeners and Farmers - A Gardener, farm owner, or farm operator who sells raw and unprocessed farm products at Farmer’s Market is exempt from obtaining a License. MCA 50-50-202(3)(a)
2. Person selling Baked Goods or Preserves at a Farmer’s Market is exempt from obtaining a License. MCA 50-50-202(3)(b)

### Items Not Requiring a State Food License

**Note:** Prepared foods, such as bread and preserves, must be sold by a person(s) who made the items.

➤ ***Raw and unprocessed fruits and vegetables.*** Please see defined term below for more details **“Raw and unprocessed farm products”** fruits, vegetables, and grains sold at a farmer’s market in their natural state that are **not packaged** and labeled and are not: cooked; canned; preserved, except for drying; combined with other food products; or peeled, diced, cut, blanched, or otherwise subjected to value-adding procedures.

**“Food processing”** cooking, baking, heating, drying\*, mixing, grinding, churning, separating, extracting, cutting\*, freezing or otherwise manufacturing a food or changing the physical characteristics of a food; and the packaging, canning, or otherwise enclosing of such food in a container; but does not mean the sorting, cleaning, or water rinsing of vegetables.

\*Drying includes the drying of herbs.

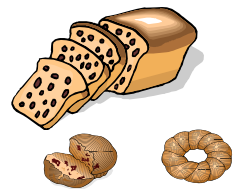
\* Cutting does not include the harvesting of leaf greens for sale as produce.



### ➤ ***Non-potentially hazardous bakery items***

All bakery items must have a baking step, i.e. baked in an oven. Items such as rice crispy bars, chewy granola, no-bake cheesecakes, cheesecakes, or cream pies will not be allowed. Bakery items must not contain cream, cream cheese, or egg based fillings. Custard and meringue type pies will not be allowed. Non-cooked frostings on bakery items are not allowed. Frostings must have a cook step to be considered safe. In general, no bakery item may be sold that is considered to be potentially hazardous. Vendors are required to have an ingredient list for each food item sold. Label all products that are pre-package either individual or by the dozen. If selling non-packaged products a list is required at the time of sale.

**“Baked goods”** breads, cakes, candies, cookies, pastries, and pies that are not potentially hazardous foods.



### ➤ ***Preserves - Jellies and Jams***



Home made preserves, berry jams, jellies, compotes, fruit butters, marmalades, chutneys, fruit syrups, or similar products that have a hydrogen ion concentration (pH) of 4.6 or below when measured at 75°F (24°C) and that are aseptically processed, packaged, and sealed. Must be hot processed, (usually in a hot water bath or steam pressure), hermetically sealed, and shelf stable at room temperature. The term does not include: tomatoes or food products containing tomatoes; or any other food substrate or product preserved by any method other than that described in subsection 50-50-102 (15)(a) MCA. Ingredient labels are required on all products. ***Homemade or canned herbed vinegar, oils, pickles, pickled vegetable, sauerkraut, etc. will not be allowed.***



### ➤ ***Farm fresh eggs***

Eggs may be sold at the market only if the eggs are from the vendor's own farm/hens; the cartons are required to be labeled FARM FRESH EGGS with address of producer. The seller must display signage stating un-graded farm eggs. Eggs are required to be stored in coolers with a temperature of 45°F or below.

## **Items Requiring a State Food License**

- All other processed or potentially hazardous foods not addressed above must be prepared and distributed from a licensed facility for service to the public. Example, in order to sell barbequed hamburgers on site you must have a food service establishment license (please see defined term below). *All rules in MT DPHHS Food Service Establishments Administrative Rules apply.*
- Sliced or processed fruits, vegetables and other foods not specifically allowed above (this includes slicing or processing for samples on site).
- Milk, cheese, and dairy products must come from a licensed facility in order to be sold to the public. If you wish to sell them at farmer's market you will need to obtain required licensing.
- Poultry, Meat, Seafood, or other perishable Foods cannot be sold retail at a farmer's market, except if they have a Meat Market License with a mobile endorsement and transportation provision in the approved plans, including the facility where the product is processed, packaged, and stored.

**“Food service establishment”** an operation defined in 50-50-102(8), MCA, and includes an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption in a mobile, stationary, temporary, semi-permanent or permanent facility or location; where consumption is on or off the premises and regardless of whether there is charge for the food.

**The Stillwater County Environmental Health Department will perform inspections for compliance with this guideline. Should you have any questions or concerns please feel free to contact us:**

Keith Bell, R.S

Director of Stillwater County Environmental Health 322-8058

Stephanie Moodry, R.S.

322-8056

# Safe Food Handling Requirements

All food and produce vendors must have minimum contact with exposed foods with bare hands by using single use gloves, deli tissues, spatulas, tongs, or utensils.

## Health Requirement

In accordance with the Administrative Rules of Montana (ARM) Title 37, Chapter 110, Subchapter 2 37.110.210 (1) No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, diarrheal illness or acute gastrointestinal illness or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons. Food employees experiencing persistent sneezing, coughing or runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food, clean equipment, utensils, and linens, or unwrapped single-service or single use articles.

## Hand Washing

Hands must be washed in accordance with the Administrative Rules of Montana Title 37, Chapter 110, Subchapter 2 37.110.210 (4).

Thorough and frequent hand washing is the cornerstone for a safe food-handling program. Since “ready to eat foods” are directly consumed by the public, it is imperative that ready to eat food be free from contamination. To achieve this, ready to eat food shall be prepared or assembled with clean washed hands. A properly used barrier between hands and ready to eat food provides an extra level of protection.

Each vendor that prepares samples or provides non-packaged food must have portable hand wash facilities at the booth. Minimum requirements would include a container of water, with an adequate supply of water, which flows freely from a tap or spigot. The spigot must be a type, which will stay in an open position without being held so that both hands can be washed at once. The facilities also must include a catch bucket for the water, soap and single service towels.

